Lucknow,

G. R. S. 58]

Previous references.
Gbo 312-21 abo 1-5 (1924-5 Courts)

File No. 118-24
Serial Nos. 1 & 2

Later references.
No 68-24 (60, 62-63).

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two.

Part B for Feb 25

SUBJECT

Delegation to the Chief Court of the power to grant furlough and privilege leave to the extent of one month to the Judicial Officers when no substitute is required

The Registrar Chief Court & the Comptroller through the Final Cash.

No. P4296-7 Of 12-2-25

Delegates the above power

Stat 4/4/25

G. R. S. III—1] 1924 25

GENERAL AND REVENUE SECRETARIAT.

(CS-)

NOTES.

File No. 118-24

FILE HEADING.

Delegation to the Chief Court of the powers to grant furlough and privilege leave to the extent of one month to the judicial officers when no substitute is required

From Registrar Chief Court

C No. 458 Dated 23.9.24 Received 25.9.24.

Diary No. 1456	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests that the Chief Court be given the power to sanction privilege leave and furlough for one month to judicial officers ~~to the extent of one month~~ when no substitute is required

NOTES AND ORDERS.

Flag R

Govt. of India Pr. no. P 2693-702/25 312-21-5 dt. 13.10.22, Govt. directed that proposals for acting arrangements should be made when recommending leave to Special magistrates exceeding a week. This order has virtually curtailed the power of the Chief Court to grant a month's

NOTES—First Sheet.

General and Revenue Secretariat. | C5 File No. 118 of 1924

Serial No.

privilege leave when no substitute is required to judicial offrs. delegated to the chief court (vide Appendix R. M.S.R.)

In order to obviate the difficulty to parties coming to criminal courts and go away without being examined when the Court is closed on account of the absence of the magistrate on leave the order referred to was passed. The chief court do not suggest any means to avoid this inconvenience but simply request that the power to grant a months privilege leave and furlough to judicial offrs be delegated to them. The power to grant furlough has not it seems been delegated so far

Submitted for orders

Copy
submitted

(3) It is not clear from the reference of the Registrar how the powers of the Chief Court are contented.

(4). Under art 487 cl (c) M.S.R the govt delegated to the Chief the power of granting privilege leave (vide Appendix R M.S.R) provided that no substitute is required

(5) G.O. No P 2693-702-Cts-312-21-5 dated 13.10.1922 (Fl:R) merely ordered that the chief should submit proposals when granting privilege leave for more than a week, leave for

NOTE—Contn. Sheet

Serial No.

acting arrangements being made.
This order does not in any way curtail the powers of the Chief Court in granting pardon. It merely questions the propriety of the Chief Court making the acting arrangements and it seems rightly so, for the arrangement made by the Ch. Ch has virtually an appointment of a magistrate to a Court and this power the Chief Court has not under the Cr. Pro: Code. (Vide Fl: J

Court
So the Chief has now got full powers to grant pardon under sec 45) (c) and this power is not curtailed by the order of 13th Oct 1922.

As regards the Chief Court asking for the delegation of powers to grant pardon, there is no provision at present empowering the Govt to delegate such powers. Besides this power does not seem to have been delegated by any of the heads of departments.

4001
18.11.24

No financial objection to proposed delegation if no substitute required and if no extra cost is entailed

1256/24

NOTE—Contn. Sheet

Serial No.

8) Put up with reference to para (7) above

28/12/24

Dr Lees
1st member

5/9/25

28/12/25

8/12/25

9) The position may be explained to the powers delegated as agreed to by the Financial Secretary

Done
3/1/26

5/1/26

5562/10/1

28/1/26

10) Put up with draft

28/1/26
9/1/26.

Dr Lees
1st member

28/1/26
9/1

Done
2/2

10/1/26

28/1/26

28/2/26

Fe 1746/25

Refee = Fe Secty's note d 19-12-25 at previous page - Draft & Fair copies put up

Re Para 3 ante 9.0., A & C slips in Ind. R are issued from the Fe Secty & not by the Comptroller -

In this view if it is proper if the wording of Para 3 requires any change.

Issue with the addition made in the Comptr's end

12/2

Bpd 12/2

L. the Comptroller
Fe 1746/25
13/2/26

NOTE–Contn. Sheet

1466

cfs File No. 156 of 1924—25

General and Revenue Secretariat.

2 Serial No.

To the Registr. Chief Court
" Comptr. Mil. Fd. Audit.

No P. 4296-7 dt 12-2-25

Requested with
Reference to the Chief Court the power to grant furlough to the extent of one month to gazetted Officers of their Dept if no extra cost is entailed and requests the Comptr. to issue the necessary addendum to the M-S. R.

Jms 81 [illegible]
[illegible]
[illegible]
1/11

NOTE—Contn. Sheet

05 16577

815-6 1466
P

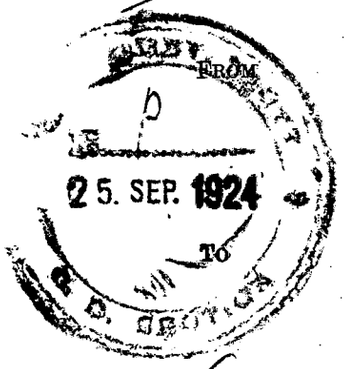
CHIEF COURT OF MYSORE

Telegraphic Address. "JUSTICE"

Bangalore, dated 23rd September 1924.

C No. 458/24-25

C 118-24-1



A. SREENIVASARAGAVACHARI, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. Nagappa, Esq., Bar-at-Law,
Secretary to Government of Mysore,
Local and Legislative Departments,
B a n g a l o r e.

SIR,

I am directed to state that under Article 457, Clause (c) of the Mysore Service Regulations, Government have delegated to Heads of Departments specified in Appendix R the power of granting privilege leave to Gazetted Officers of their Departments upto a period of one month, provided that no substitute is required. But by a subsequent Government Order (No.P.2693-702/Cts.312-21-5 dated the 13th October 1922), the limit of one month has been practically curtailed into one week so far as regards the grant of leave to Special Magistrates. Moreover, the power of the Chief Court as above is restricted to the grant of only privilege leave; it does not extend to the grant of furlough on full or half average salary for equally short periods even when no substitute is required.

2. I am to request that the Government may be pleased to extend the power of the Chief Court so as to enable it to grant to the Gazetted Officers of the Department, not only privilege leave but also furlough to the extent of one month when no substitute is required.

I have the honour to be,
Sir,
Your most obedient servant,
Sreenivasaragavachari
24/9/24
REGISTRAR.

PNK.

G.R..S VI G 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section cls

File No. 118 – 24

Serial No. 2

General and Revenue Secretariat

( )

, the *192* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue..... 12/2/25

Signed by..... W.T.S.R.

~~*Read*~~

G.O. no P 2693-70.2/cls. 312-21-5 & 13-10-22, directing that proposals ~~should~~ be submitted for acting arrangements being made during the absence on leave of special magistrates whenever leave for more than a week is granted.

2. Letter no C 458 & Order Thereon ~~No.~~ 23.9.1924 from the Reg: Chief Court stating that though the power of granting privilege leave to Gazetted officers of their Department upto a period of one month, provided that

May this be

i Printed ?

ii treated as a standing order ?

~~iii published in the Gazette, English Part~~ ?

~~iv translated~~ ?

~~v placed at the disposal of the press~~ ?

~~vi published in the Gazette, Kannada Part~~ ?

no substitute is required
[illegible] is delegated to the
Chief Court (vide Appendix
R. M.S A). the limit of
one month has been practically
curtailed to one week as per
order of the 13th October 1922 12
and in practice that the power
of the Chief Court may be
extended to grant to the
Staff the officers of the Department
not only furlough leave but
also for a longer to be extent
[illegible] when no
substitute is required.

Order 1429-7

It is observed that the
[illegible] the 13th October 1922 R
[illegible] directs the Chief Court
to submit proposals when
granting furlough leave
for more than a week for
[illegible] arrangements being
made. The posting of
an officer for the conduct of

List of enclosures.

Copied by

Examined by

WD 1883—GPB—1,000,00—21-12-22

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

work by the Chief Court virtually means the appointment of a magistrate by the Chief Court which can be done only by Govt under the provisions of the Criminal Procedure code. The power of the Chief Court to grant privilege leave under Rt 45 (C) M.S.R is not curtailed as stated by the Chief Court.

2. Govt are pleased to delegate to the Chief Court the power to grant furlough to the extent of one month ~~which may be sanctioned~~ if no extra cost is entailed is required, to the gazetted officers of the department.

The Comptroller is requested to issue the necessary addendum to the Mysore Service Regulations

9/1 Lt Secy

WD 2230—GPB—1,00,000—25-7-20

20

Delegn Chief Court modified

A comptroller thro' H Secy

8/1/25 9/1/25

S. O.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 4296-7—Cts. 118-24-2, dated 12th February 1925.

Grant of furlough.

Delegates to the Chief Court the power to the ——to the Gazetted Officers of their department not exceeding one month.

READ—

Government Order No. P. 2693-70-2—Cts. 312-21-5 dated 13th October 1922 directing that proposals be submitted for acting arrangements being made during the absence on leave of Special Magistrates whenever leave for more than a week is granted.

2. Letter No. C. 458 dated 23-9-1924, from the Registrar, Chief Court, stating that though the power of granting privilege leave to Gazetted Officers of their Department up to a period of one month provided that no substitute is required has been delegated to the Chief Court (*Vide* Appendix R. M. S. R.) the limit of one month has been practically curtailed to one week as per Order of the 13th October 1922 and requesting that the power of the Chief Court may be extended to grant to the Gazetted officers of the department not only privilege leave but also furlough to the extent of one month when no substitute is required.

ORDER No. P. 4296-7—CTS. 118-24-2, dated 12TH FEBRUARY 1925.

Government observe that the order of the 13th October 1922 only directs the Chief Court to submit proposals when granting privilege leave for more than a week for acting arrangements being made. The posting of an officer for the conduct of work by the Chief Court virtually means the appointment of a Magistrate by the Chief Court which can be done only by Government under the provisions of the Criminal Procedure Code. The power of the Chief Court to grant privilege leave under Art. 457 (c) M. S. R. is not curtailed as stated by the Chief Court

2. Government are pleased to delegate to the Chief Court the power to grant furlough to the extent of one month to the Gazetted Officers if no extra cost is entailed.

3. The Comptroller is requested to issue the necessary addendum to the Mysore Service Regulations.

B. NAGAPPA,
Secretary to Government,
Local and Legislative Departments.

To—The Registrar, Chief Court.
The Comptroller to Government, through Financial Secretariat.

Exd.—P. S. R. N.

W D 1691—GPB—365—23-2-25